

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

RODNEY RODGERS §  
v. § CIVIL ACTION NO. 9:08cv146  
MAJOR HUTCHINSON, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Rodney Rodgers, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On September 30, 2008, Rodgers filed a motion asking that his lawsuit be dismissed. On October 1, 2008, the Magistrate Judge issued a Report recommending that this motion be granted and that the lawsuit be dismissed without prejudice. A copy of this Report was sent to Rodgers at his last known address, return receipt requested, but no objections have been received; accordingly, Rodgers is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court.

Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

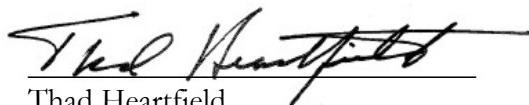
The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for voluntary dismissal (docket no. 11) is GRANTED and the above-styled civil action be and hereby is DISMISSED without prejudice on the motion of the Plaintiff. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this the 21 day of **October, 2008.**



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Thad Heartfield  
United States District Judge